

IN THE BENTON COUNTY CIRCUIT COURT, BENTONVILLE DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS:

HUONG T. TRUONG
A/F; DOB: 10-05-1982
AR DL# 932115977

DEFENDANT

AFFIDAVIT OF PROBABLE CAUSE

Comes now, Detective Sergeant Kris Moffit of the Bentonville Police Department Criminal Investigations Division, and under oath doth state:

After an extensive investigation, the defendant, Huong T. Truong, was arrested on August 11, 2011, for Murder in the First Degree. The facts of this investigation are as follows:

The records of the Bentonville Police Department reflect that on Wednesday, August 10, 2011, at approximately 2307 hours, officers responded to 506 SE 7th Street in Bentonville to investigate a man that had been shot. Dispatch had received a 9-1-1 call in which a female caller stated she had shot a man who was standing at her front door. As officers were responding, the caller said that the man had been repeatedly knocking on her door. Lieutenant Joe Falcon requested that an ambulance be staged near the residence.

Officer Kevin Cizerle, Corporal Ryan Simmons, Lieutenant Joe Falcon, and I staged at the intersection of SE "C" and SE 7th Street and then began a tactical approach to the residence. Lieutenant Falcon had communication officers advise the caller that officers were approaching and requested that she place the gun down and move away from the weapon. As we neared the residence, which is located on the south side of SE 7th Street, I observed a male subject lying on the ground near the front door. The left foot of the male was propped up on one of the front porch steps with his body lying on the ground. The distance from the porch to the ground was approximately two feet.

Lieutenant Falcon communicated with dispatch to have the caller come to the front door. As the front door was opened, she was removed from the residence and I escorted her to the driveway where she was searched for weapons and secured in

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handcuffs. I advised her she was not under arrest, but was being detained for safety reasons. As I searched the woman, she asked that officers check her roof and indicated someone might be on the roof. She also made statements about a hole in the wall of her bedroom and asked that someone check the bedroom and that her telephone line was cut. Further statements were made such as alluding she was beat up or was beat up in the past and something was poured down her throat or she was forced to ingest something. Further statements were made to me inside a police car while being read the consent to search form. The woman, identified as Huong Truong, asked if the man was dead. I told her yes. Truong stated that she "shoot him" and he moved. Then he stopped moving.

Truong also stated she thought she shot him in the abdomen area. She indicated the area by pointing with her finger.

Officer Cizerle, Corporal Simmons, and Lt. Falcon cleared the residence and found no other individuals inside. According to Lt. Falcon, the southeast bedroom door was locked and was subsequently kicked open to ensure that no individuals were inside the bedroom. The officers conducted an exterior search of the back yard and likewise found no individuals outside.

During the process of clearing the residence, Corporal Simmons observed a pistol in the first bedroom to the east of the living room. The weapon appeared to be a Kel-tec .380 caliber semi-automatic pistol. The pistol appeared to be two toned and was found on the bedroom floor just inside the entrance to the bedroom with the muzzle facing to the north. As Officer Cizerle, Corporal Simmons, and Lieutenant Falcon were exiting the front door they observed one shell casing on the living room floor just inside the entrance to the front door. While outside, I noticed wires running through the car port area into the residence. One of the wires ran to the front right corner of the residence to a video surveillance camera, which pointed toward the area in front of the front door.

After the residence was cleared, officers approached the male subject who appeared to be deceased. Lieutenant Falcon requested the ambulance and paramedics arrived and confirmed that the male subject was deceased. The crime scene was secured at the intersections of SE 7th Street and SE "E" Street and SE 7th Street and SE "D" Street. Crime scene tape was likewise wrapped to secure the perimeter.

At the police station, Detective Corporal Mark Jordan listened to a portion of the 9-1-1 call that Ms. Truong made to dispatch. She explained in a calm voice, "I just shot a guy. I don't know him."

Captain Justin Thompson and Detective Corporal Tom Boyle assisted with the investigation and learned that Huong's brother, Thanh Nguyen, lived at 512 SE 7th Street. They responded to that location and met with Thanh, as well as his roommate, Hein Le. During their questioning, they learned that the victim had been brought to the residence by a female named Hoa Le. After the shooting, Hoa Le came into Thanh's residence and told them that the victim had been shot. The detectives learned that Hoa Le lived at 311 Parkcrest Drive in Bentonville.

Captain Thompson and Detective Boyle went to Hoa Le's residence and spoke with her. She identified the victim as an acquaintance, Minh Trinh. Hoa Le advised that Trinh found an advertisement on the Internet for a massage. He requested that Le take him to the residence at 506 SE 7th Street. Le agreed to take him. When they arrived, Trinh knocked on the door several times. The resident eventually opened the door and, after a brief conversation, shot Trinh and he fell backward. Le was sitting in her car in the driveway when she witnessed the shooting. She then left the scene, first stopping at Thanh's residence to tell him what happened. According to Le, she did not call the police because of fear and because she did not speak English and would not be able to communicate with dispatchers.

At approximately 0319 hours, Officers and Detectives from the Bentonville Police Department executed a search warrant at Ms. Truong's residence that had been signed by the Honorable Benton County Circuit Judge Robin Green. (Note: Ms. Truong agreed to come to the police station for an interview while officers prepared the search warrant.) During the search, two of the items located and seized were the aforementioned handgun and the shell casing. The handgun was found on the floor in the bedroom and the shell casing was found just inside the front door. Also in the bedroom where the gun was found, Officers found an opened box of condoms (40 pack) in one of the cabinets. Also in this cabinet was Truong's passport.

In the other bedroom, officers noticed a massage table with a fan positioned nearby toward the table. In this bedroom's closet, officers saw several bottles of baby oil, paper towels, and facial tissues. In the kitchen there were numerous white towels piled on the floor near the washer and dryer. More white towels were noticed in a clean trash can in the kitchen that appeared to be used as a laundry basket. Also, the video surveillance cameras that were positioned outside and inside the house were located and seized. However, two of them appeared to be non-functioning.

Before interviewing Huong Truong, I interviewed Hoa Le in the lobby of the police station. Fort Smith Police Officer / Translator Vu Pham had arrived to assist with translation. Le's statements were consistent with the statements she made to Captain Thompson and Detective Boyle. She stated she drove Trinh to the residence on SE 7th St. and waited inside her vehicle, in the driveway, while Minh knocked on the glass door located on the west side of the residence. Minh proceeded to the front door where it appeared he was looking for the door bell. After approximately ten to fifteen minutes, a woman who Le knew as "Huong" answered the door and began speaking with Trinh. Eventually, Huong left the doorway walking back inside the residence while Trinh remained standing outside the residence on the front step. Le watched Huong return to the doorway. She and Trinh spoke very briefly and Huong "pointed" at Trinh. Then, Le heard a "pop" sound. Le stated her vehicle windows were up and the noise was muffled. Le watched Trinh fall back off the porch onto the ground. Le stated she was in shock and immediately drove away from the residence.

Next, I interviewed Huong Truong with the assistance of Officer Vu Pham. Before asking her any questions, Officer Pham and I advised her of the Miranda Rights in great detail. Truong advised she understood her rights and agreed to answer my questions without an attorney present.

Truong stated she was watching television when she heard loud knocking on her front door. She said the knocking was hard enough to cause a mirror to fall off the wall. When she answered the door, there was a man standing there who she did not know, although the man said he knew her. The man spoke to her and repeatedly stated how he knew her. Truong said she felt scared and believed the man wanted to come inside her

residence, although according to Truong, the man never entered or attempted to enter. Truong stated she left the door way with the door completely open and went to her bedroom where she retrieved a gun from her purse. Truong returned to the front door and the man was still standing outside the door. Truong stated she pointed the gun at the man's face and said, "Get the fuck out of my house!" Truong said the man laughed at her and that made her very angry; in fact, angrier than she has ever been. Truong also stated she believed the man thought her gun was fake. Truong said she aimed the gun at the left side of the man's upper abdomen area and shot him one time. Truong believed that one gunshot wound to this location would not kill someone. She said her intention was to get the man to leave. Furthermore, she stated there was a car parked in her driveway. She believed the man's friend or friends were in the car.

After the man fell to the ground, Truong saw the man raise his head up and look in the direction of the car. Then, the man's head fell back to the ground. Truong also said she saw blood on the man's shirt after he fell to the ground and the blood was in the area of his left breast. Truong seemed surprised about the location of the blood because she thought she shot him lower. Afterward, the car in the driveway left the residence.

I asked Truong why she did not choose to shut the door and call the police, instead of retrieving her gun and shooting Minh. Truong said she did not think of it. She also made statements that it is legal in the United States to protect yourself and shoot someone who is refusing to leave your residence. Based on the information that Minh was going to the residence for a massage, I asked if Minh ever asked or said anything about wanting a massage. Truong said no. We discussed her business and Truong said that her website indicates she is only open until 8:00 P. M. and people are not allowed to come without an appointment. When describing what type of massages she performs, Truong stated that if she likes the man, she performs "hand jobs" and "sex". She does not specifically charge for these services, but if she is paid more than the normal charge for a massage, she accepts the money.

I asked Truong who owned the gun. Truong said she purchased the gun two months ago and indicated she needed it for protection because she does massages in her home. Furthermore, Truong described how she wakes up in pain because unknown

person(s) beat her up while she is sleeping, pour feces and urine in her nose and plant bugs / transmitters in her ears.

Truong was very straight forward and unemotional during the interview. It was very apparent that she believed shooting Minh under these circumstances was legal and justified. I asked Truong if she felt bad for shooting Minh. Truong had to think about it and eventually stated yes.

After the interview, I advised Truong that she was under arrest for First Degree Murder. She was transported a short time later to the Benton County Jail and held for a bond hearing.

Based upon the nature of the crime, the likelihood of conviction, and the possible severity of penalty that could be imposed, the State joins me in requesting that a bond of \$300,000.00 be set on the defendant, Huong T. Truong.


Detective Sergeant Kris Moffit
Bentonville Police Department

STATE OF ARKANSAS
COUNTY OF BENTON

Subscribed and sworn to before me this 11 day of

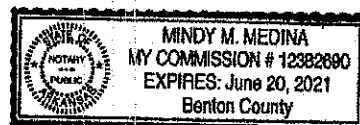
August, 2011.


NOTARY PUBLIC

MY COMMISSION EXPIRES: June 20, 2021

APPROVED:

Stephanie McLemore-approval via e-mail
DEPUTY PROSECUTING ATTORNEY



Incident #2011-17780